

Appl. No. 10/750,505
March 1, 2006
Reply to Office Action of September 1, 2005

REMARKS/ARGUMENTS

Claims 1-8, 10-19, 21-22, 35-39, 41-46 and 48 are presented for the Examiner's consideration.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

By way of the Office Action mailed September 1, 2005, claims 6, 7, 9-11, 17-18, 20-25, 29, 30, 33, 34, 40, 41, 42 and 48 are restricted from the examination. And, claims 43, 26 and 31 are objected to. These restrictions and objections are respectfully traversed to the extent that they may apply to the presently presented claims. Particularly, the present amendments are believed to overcome such restrictions and objections, and thus are requested to be withdrawn.

By way of the Office Action mailed September 1, 2005, claims 1-5, 8, 12-16, 19, 26-28, 35, 36, 42 and 43 are rejected under 35 U.S.C. § 102 as allegedly being anticipated, and thus unpatentable, over Kao (JP 10-095,481). This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

When asserting a Section 102 rejection, it is well established that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. As now presented, the independent claims (and thus also their dependent claims) 1, 12, 35 and 42 clearly contain at least one element not found in the cited Kao reference (or the other art of record), namely, the ratio between the folded configuration and the unfolded configuration of no more than 0.14. With this element lacking from the teaching of Kao, the presented claims cannot be anticipated by Kao. Moreover, the teaching in Kao in regards to such a recited ratio is opposite to Applicants' invention, and Kao teaches away from Applicants' now recited invention. In particular, attention is directed to the English translation of Kao (a copy provided herewith which was supplied by the USPTO in another of Applicants' pending applications, Serial # 10/366872, filed February 14, 2003) at paragraph 19. There Kao recites particular ranges regarding the "thickness ratio of disposable diaper 2 is desired to be within the range of 15-85% and 40-60% is even better." That is, any ratio less than 0.15 (or 15%) is expressly taught against. In this regard, Kao states of such a lower ratio: "If the thickness ratio becomes less than 15% [0.15 as relates to the present application] the diaper becomes hard and the texture worsens." Thus, one of the ordinary skill in the art reading Kao would not be lead to conclude Kao anticipates or renders obvious Applicants' invention which is contrary to the teaching for making diapers of Kao. Therefore, the rejection of independent claims 1, 12, 35 and 42 (as well as their respective dependent claims) is respectfully requested to be withdrawn.

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By way of the Office Action mailed September 1, 2005, still pending claims 37-39 and 44-46, are rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Kao (JP 10-095,481). This rejection is respectfully traversed to the extent that it may apply to the presently presented claims. For at least the same reasons just discussed for the independent claims, upon which these dependent claims depend, these dependent claims cannot be rendered obvious by Kao. Thus, the rejection of the dependent claims is respectfully requested to be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-6854.

Respectfully submitted,
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CERTIFICATE OF TRANSMISSION

I, Michael J. Bendel, hereby certify that on March 1, 2006 this document is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300.

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Michael J. Bendel

Signature:

Michael J. Bendel

(24 pages total, 10 of which
are Kao reference)